REMARKS

No claims have been amended, added or cancelled. Claims 1-90 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 1, 9-11, 25, 27, 28, 30-33, 34-39, 40, 41, 44, 46-49, 50, 51, 58-66, 69-71, 75-77 and 84-90 under 35 U.S.C. § 103(a) as being unpatentable over Tuatini (U.S. Publication 2002/0035645). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner's assertion, Tuatini fails to disclose a compilation process of a virtual machine converting a first computer programming language object into a data representation language representation of the first object; wherein the data representation language representation of the first object is configured for use in generating a copy of the first object.

Tuatini teaches an application framework for developing applications including action and view handlers. Tuatini's action handlers implement business logic while view handlers control the formatting of the results returned by the business logic. Tuatini's application framework receives service requests from client computers and invokes appropriate action handlers to service the requests. The view handlers format responses and send responses to the requesting clients (Tuatini, Abstract and paragraph 43). However, Tuatini fails to teach a compilation process of a virtual machine converting a first object into a data representation language representation of the first object, wherein the data representation language representation of the first object is configured to use in generating a copy of the first object.

The Examiner cites paragraph [0079] of Tuatini and argues that Tuatini discloses that XML is convertible to and from JAVA objects. However, the cited passage describes generating JAVA objects to represent and manipulate the data in XML messages and regenerating the XML messages from the data in the JAVA objects. The XML data from request messages are not *representations of JAVA objects*. Instead, Tuatini's Java objects allow for the programmatic manipulation of the data from the XML messages. Tuatini teaches that request messages are read in and translated from a client format to an application format and that responses are translated into the client format and written out as XML messages (page 3, paragraph 0049-0050). Tuatini teaches how his deserialize method is passed an indication of the client format [of the message], the message to be translated, and an indication of the application format. Tuatini's system then "deserializes the message and returns the JAVA object *representing the message*" (emphasis added) and "performs any processing necessary to convert the message from the client format to the application format" (Tuatini, page 10, paragraph 0083-0084). Thus, any XML response message serialized from one of Tuatini's objects is not a data representation language *representation of a computer programming language object*, but instead is an XML response message in a client format different from the application format used by the object. There is no mention in Tuatini that a XML message regenerated from an object is a representation of the object. Instead, Tuatini's system converts messages between formats to enable communication across platforms and between new and legacy applications.

Furthermore, in Tuatini an XML response message in a client format converted from a JAVA object in an application format is not a data representation language representation of the JAVA object. Nor is it configured for use in generating a copy of the JAVA object. Tuatini teaches that the data in the XML message is in a different format from the data in the JAVA object. Tuatini does not describe that its XML message is configured for use in generating a copy of the object. Tuatini does not teach a data representation language representation of a first computer programming language object wherein the data representation language representation is configured for use in generating a copy of the first object.

The Examiner also argues that "it would have been obvious to one skilled in the art at the time the invention was made to apply this well-known conversion technique to generate a copy of a JAVA object by converting it to a data representation language like XML because XML is known to be a form of self-described data having utility as a data exchange medium between dissimilar systems where a Java development process can be simplified by using XML to deliver data and to describe the business objects that are responsible for building the data." The Examiner's position is completely unsupported by any evidence of record and is therefore improper. As shown above, Tuatini does not teach the conversion technique that the Examiner refers to as well-known. Additionally, Tuatini is not concerned with making copies of JAVA programming language objects. There is no reason to include making copies of JAVA programming language objects in Tuatini's system. Tuatini is concerned with translating received messages into different formats, not making copies of JAVA objects. No one would have any motivation to modify Tuatini to include making copies of JAVA programming language objects as suggested by the Examiner. Moreover, the Examiner's argument amounts to nothing more than hindsight-based speculation in order to insert the notion of making copies of JAVA objects into Tuatini's system.

In the Response to Arguments, the Examiner states, "[t]here is ample documentation in the literature for converting objects to XML and back again" and refers to additional references cited but not relied upon in the Examiner's rejection. The Examiner also states, "[i]n other words, the process of converting a JAVA object to XML and then back to a JAVA object produces a copy of the first object, and is well known in the art." Applicants traverse the Examiner's statements. The Examiner's statements are completely unsupported by any evidence of record. Contrary to the Examiner's contention, the additional references referred to by the Examiner do not teach or suggest converting a first object into a data representation language representation of the first object, wherein the data representation language representation of the first object is configured for use in generating a copy of the first object. The Examiner refers to three additional references. However, one of the references is not prior art. The document,

"Integrating XML and Object-based Programming for Distributed Collaboration" by Roussev, et. al. (hereinafter, Roussev) has a date of June 14-16, 2000, which is after Applicants' priority date of May 9, 2000. Thus, the Roussev document is not a proper reference.

Additionally, neither of the other two references teaches converting an object to a data representation language representation of the object that is configured for use in generating a copy of the object. U.S. Patent 6,634,008 to Dole deals with a methodology server and a compute server for designing integrated circuits. Dole does not teach or suggest converting an object to a data representation language representation of an object and back into objects, as the Examiner contends. Instead, Dole deals with various design tools that work with HTML pages, CGI scripts and XML documents to capture design methodologies for web-based integrated circuit design and fabrication using HTML based forms (see, e.g. column 5, lines 53-63; column 7, lines 25-35; and column 13, lines 23-43). However, Dole fails to describe converting a programming language object to a data representation language representation of that object, wherein the data representation language representation of the first object is configured for use in generating a copy of the object.

The other referenced referred to by the Examiner, "An XML document to JavaScript Object Converter" by Alexander Hildyard (hereinafter, Hildyard) deals with using JavaScript code and objects to work and interact with XML documents. As with Tuatini, described above, Hildyard uses objects to read and manipulate the data from XML documents. For instance, Hildyard teaches a server-side conversion of XML documents to JavaScript code that "gets interpreted by the browser and results in a data structure roughly equivalent to the parse tree that would have been produced by an XML-enabled browser" (page 1, para. 3). Moreover, Hildyard describes reading and parsing XML documents into JavaScript code, but does not mention anything about converting any programming language objects into data representation language representations of those objects. Instead, Hildyard describes converting XML documents into JAVA script code in order to use browsers or other applications that can't directly support XML. The

XML documents in Hildyard are clearly not representations of programming language objects.

Thus, none of the additional references noted by the Examiner teach or suggest the limitations of Applicants' claims, and they most certainly do not provide "ample documentation ... for converting objects to XML and back again" as the Examiner erroneously contends.

The Examiner concludes the Response to Arguments by stating, "a broad and reasonable interpretation of the cited passage from Tuatini, paragraph [0079] reads on the claims as written." The Examiner is clearly incorrect. As noted above, Tuatini teaches generating JAVA objects to represent and manipulate the data in XML messages and regenerating the XML messages in a different format. The XML messages (both the original and regenerated versions) in Tuatini are not representations of any programming language objects.

Applicants further note that the rejection is improper because the Examiner has not shown that Tuatini qualifies as a prior art reference. The Examiner has the burden of proof to produce the factual basis for the rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Since the Examiner has not proven that Tuatini qualifies as a prior art reference, the Examiner has not met this burden of proof and the rejection is improper. More specifically, the Tuatini patent was filed on December 28, 2000, after Applicants' filing date of September 15, 2000. Tuatini does claim the benefit of a provisional application filed December 30, 1999. However, the December 30, 1999 filing date can only be used as Tuatini's prior art date for the subject matter that is common to both the Tuatini patent and the provisional application. Since it is common practice for a later filed utility application to include more or different subject matter than its earlier provisional application, it is unclear whether the material in Tuatini relied upon by the Examiner was actually present in Tuatini's provisional application. Therefore, the Examiner must prove that the subject matter on which the Examiner is relying on to reject Applicants' claims is also present in Tuatini's provisional

application. Until the Examiner has made this showing, the rejection is improper. *See, In re Wertheim*, 209 USPQ 554 (CCPA 1981).

Moreover, the Tuatini patent is not entitled to the December 30, 1999 date as a prior art date unless at least one claim of the Tuatini patent is supported (under 35 U.S.C. § 112) in the provisional application. Under 35 U.S.C. 119(e)(1), a patent is not entitled to its provisional application's filing date as a prior art date unless at least one claim of the published utility application is supported (per 35 U.S.C. § 112) in the provisional application. The rejection is improper unless the Examiner can show that Tuatini's published application has the necessary claim support in the provisional application to be entitled to the provisional application's filing date as its prior art date. *See also* M.P.E.P. § 2136.03(IV).

As shown above, the Examiner's Response to Arguments amounts to nothing more than the Examiner's own hindsight-based speculations that are not supported by the either the cited art or the additional documents noted by the Examiner. Nor has the Examiner shown that Tuatini meets both of the requirements noted above to qualify as prior art. Thus, for at least the reasons given above, the rejection of claim 1 is not supported by the evidence of record and removal thereof is respectfully requested. Remarks similar to those above regarding claim 1 also apply to claims 25, 40, 62, 71 and 84.

In further regard to claim 25, Tuatini additionally fails to disclose generating a message in the data representation language, wherein the message includes the data representation language representation of a computer programming language object; sending the message to a second process; and the second process generating a copy of the computer programming language object from the data representation language representation of the object included in the message.

Tuatini does not disclose generating a message in the data representation language, wherein the message includes the data representation language representation

of the computer programming language object and sending the message to a second process. Instead, Tuatini teaches that the server receives a request message in XML from a client; translates the XML data from a client format into an application format using a JAVA object; generates results from the request; generates a response message in XML formatted according to the client format; and sends the response message back to the client (Tuatini, page 2, paragraph 0043 and page 3, paragraphs 0049-0050). The XML based request messages sent from clients to servers in Tuatini's system are request messages that do not include data representation language representations of the computer programming language objects. Just because Tuatini teaches creating a JAVA object from a translated XML request message does not mean that the request message was a representation of the object. In other words, rather than being representation of programming objects, Tuatini's XML request messages are simply requests for services.

Tuatini also fails to disclose the second process generating a copy of the computer programming language object from the data representation language representation of the object included in the message. Instead, as noted above, Tuatini only teaches generating JAVA objects that represent converted or translated versions of client request messages. Tuatini does not teach that client send representations of computer programming language objects, but instead only teaches that client send requests for services.

The Examiner erroneously states that Applicants' claim 25 includes transmitting an object over the network and then converting it back into XML. The Examiner has incorrectly characterized Applicants' claim 25. Claim 25 recites generating a representation of an object in a data representation language, generating a message in the data representation language that includes the representation of the object, sending the message to another process and the other process generating a copy of the object from the representation of the object that was included in the message. The Examiner cites FIGs. 3 and 4 of Tuatini. However, neither FIG. 3 or 4, nor their accompanying text, describes generating a representation in a data representation language of a computer programming language object. Instead, as discussed above and regarding claim 1, Tuatini's system includes converting messages from a client, or encoded, format to a normalized format,

which may include "an object through which attributes of the message can be retrieved" (Tuatini, paragraph [0049]). As Tuatini describes, in paragraphs [0048] and [0049], Tuatini's system generates objects to access and manipulate encoded messages, but does not generate data representation language *representations* of computer programming objects.

For at least the reasons given above, the rejection of claim 25 is not supported by the evidence of record and its removal is respectfully requested. Remarks similar to those above regarding claim 25 also apply to claims 50, 62 and 84.

Regarding claim 34, the Examiner has rejected claim 34 for the same corresponding reasons put forth in the rejection of claim 25 stating, "[i]t has the same inter process exchange of information." However, as noted above, a proper rejection was not stated for claim 25. Furthermore, Applicants note that claims 25 and 34 are very different in scope. **The Examiner's rejection of claim 34 is improper since it is based on the same arguments as claim 25 even though claims 25 and 34 contain different limitations.**

Applicants further note that Tuatini does not teach or suggest Applicants' claim 34. Specifically, Tuatini fails to teach a virtual machine generating an object from information representing the object. As described above regarding claim 1, Tuatini fails to disclose the generating a computer programming language object from a *representation of that object.* Firstly, Tuatini teaches that JAVA objects are generated from translated XML request messages (paragraphs 0049-50 and 0081-0083), not from representations of computer programming language objects. Just because Tuatini teaches creating an object from a translated XML request message does not mean that the request message was a representation of the object. In other words, rather than being representation of programming objects, Tuatini's XML request messages are simply requests for services. Generating JAVA objects to hold the data represented by the XML request messages does not constitute generating a computer programming language object from a data representation language representation of the object.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 34 is not supported by the evidence of record and withdrawal of the rejection is respectfully requested. Similar remarks also apply to claim 50.

The Examiner rejected claims 2, 26, 29, 52, 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over Tuatini in view of Mitchell (U.S. Patent 6,628,304). In addition to the arguments presented above in regard to the independent claims, Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 2, contrary to the Examiner's contention, Tuatini in view of Mitchell does not teach or suggest wherein the first object references one or more computer programming language objects, and wherein the compilation process of the virtual machine converting the first object into a data representation language representation of the first object comprises the compilation process converting the one or more objects into data representation language representations of the one or more objects.

Mitchell teaches a method for presenting hierarchical data to a user via a graphical user interface. Mitchell teaches that hierarchical data related to a computer network can be displayed using connected nodes arranged such that the nodes do not spatially interfere with other nodes. (See, Mitchell, Abstract and column 5, lines 18-36). Mitchell is concerned with graphically displaying hierarchical data and has nothing to do with converting computer programming objects into data representation language representations of the objects. The Examiner argues, "Mitchell discloses one object representing a hierarchy of multiple other objects" and cites column 5, lines 38-55 of Mitchell. However, the cited passage does not refer to computer programming objects. Instead, the cited passage of Mitchell describes how data representing data links in a computer network may be graphically displayed as a hierarchy of graphical user interface elements.

Mitchell's graphical objects have absolutely no bearing on one object referencing one or more computer programming language objects. **A hierarchy of interconnected graphical representations of data does not imply anything regarding a computer programming language object referencing other computer programming objects.**

Additionally, as noted above regarding the rejection of claim 1, Tuatini fails to teach converting a first object into a data representation language representation of the first object. As Mitchell has nothing to do with converting objects into data representation language representations of the objects, the Examiner's proposed combination of Tuatini and Mitchell also fails to teach or suggest converting one or more computer programming language objects into data representation language representations of the one or more computer programming language objects.

Thus, the Examiner's proposed combination of Tuatini and Mitchell does not result in a system that includes wherein a first object references one or more computer programming language objects and wherein converting the first object into a data representation language representation of the first object comprises converting the one or more objects into data representation language representations of the one or more computer programming objects. Instead, a combination of Tuatini and Mitchell results only in a system that generates JAVA objects to represent XML messages for service requests, as taught by Tuatini, and that displays hierarchical data, such as nodes in a computer network, in a graphical user interface, as taught by Mitchell.

Applicants note that the Examiner has not provided any rebuttal of the above arguments.

Thus, for at least the reasons above, the rejection of claim 2 is not supported by the evidence of record and removal thereof is respectfully requested. Remarks similar to those above regarding claim 2 also apply to claims 26, 29, 52 and 67.

The Examiner rejected claims 3-7, 42-44, 53-55 and 72-74 under 35 U.S.C. § 103(a) as being unpatentable over Tuatini in view of Humpleman et al. (U.S. Patent 6,546,419) (hereinafter "Humpleman"). In addition to the reasons discussed above in regard to the independent claims, Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 3, Tuatini in view of Humpleman does not teach or suggest processing the first object into an intermediary table representation of the first object and processing the intermediary table representation of the first object into the data representation language representation of the first object. The Examiner cites column 12, lines 55-57 where Humpleman describes how XML method messages are converted into an API format via a look-up table defining run-time translation if XML object method calls to device native language calls. However, using a look-up table to translate XML method definitions into native language calls does not imply processing the first object into an intermediary table representation of the first object. The look-up table in Humpleman is not a table representation of an object, but instead, includes translations for multiple XML method call definitions to corresponding native language calls.

Furthermore, Humpleman uses his look-up table for converting method calls definitions from XML to native API calls. Nowhere does Humpleman, or Tuatini, teach an intermediary table representation *of a computer programming language object*. The method call definitions in Humpleman are clearly not representations of computer programming language objects. Thus, nowhere does Tuatini or Humpleman, either singly or in combination, teach or suggest processing the first object into an intermediary table representation of the first object or processing the intermediary table representation of the first object into the data representation language representation of the first object.

Applicants note that the Examiner has not provided any rebuttal of the above arguments.

For at least the reasons given above, the rejection of claim 3 is not supported by the evidence of record and its removal is respectfully requested.

Regarding claim 4, Tuatini in view of Humpleman fails to teach or suggest for each of one or more instance variables in the first object, generating an entry in the intermediary table representation of the first object, wherein the entry for each of the one or more instance variables includes an identifier of the instance variable and a value of the instance variable.

The Examiner cites column 13, lines 9-17 of Humpleman that describes providing a database of objects for making XML form method calls to remote API services. The cited passage has no relevance whatsoever to generating an entry in an intermediary table representation of an object, wherein the entry includes an identifier of an instance variable and a value of the instance variable. The Examiner argues that Humpleman's look-up table is "created at compile time for the purpose of converting XML messages to C language and vice versa, with class variables that are inherently identified with a value used to generate the intermediary table." However, the Examiner has failed to consider that since Humpleman's look-up table is created at compile time, it cannot possibly include values of instance variables which are inherently only available at run-time. Furthermore, as noted above, Humpleman's look-up table does not store variable values, but instead, provides translation definitions for translating XML method definitions into native language calls.

Neither Tuatini nor Humpleman, either separately or in combination, teach or suggest generating an entry in the intermediary table representation of the first object, wherein the entry for each of the one or more instance variables includes an identifier of the instance variable and a value of the instance variable.

Applicants note that the Examiner has not provided any rebuttal of the above arguments.

Thus, the rejection of claim 4 is not supported by the evidence of record and removal thereof is respectfully requested. Similar remarks as those above regarding claim 4 also apply to claims 43 and 55.

The Examiner rejected claims 12, 20, 22-24, 78 and 81-83 under 35 U.S.C. § 103(a) as being unpatentable over Tuatini in view of Ansari et al. (U.S. Patent 5,881,290) (hereinafter "Ansari"). In addition to the arguments discussed above in regard to the independent claims, Applicants respectfully traverse this rejection for at least the reasons given below.

Regarding claim 12, contrary to the Examiner's assertion, Tuatini in view of Ansari fails to teach or suggest a virtual machine receiving a data representation language *representation of a first computer programming language object* from a first process. The Examiner cites paragraph 0079 of Tuatini and argues that Tuatini discloses a method for generating JAVA object from XML. However, Tuatini does not generate JAVA objects from data representation language representations of computer programming language objects. Instead, Tuatini teaches generating JAVA object "through which attributes of the [request] message can be retrieved" (Tuatini, paragraph 0049). As discussed above regarding the rejection of claim 25, Tuatini's request messages are not, nor do they include, data representation language *representations* of computer programming language objects. Instead, Tuatini's request messages are requests for services sent from clients to servers. When processing received request message, Tuatini's server may convert the request from a client format to an application format and generate a JAVA object to load and access the data in the request message.

Tuatini in view of Ansari further fails to teach or suggest a decompilation process of the virtual machine generating the first object from the data representation language representation of the first object. The Examiner relies upon Ansari to teach a "method of compiling and decompiling so that the original program information can undergo some processing" and cites column 3, lines 44-47 and column 9, lines 34-38 of Ansari.

Ansari teaches a compiler and a decompiler for industrial controllers that allow new instructions to be added to those already recognized by modifying an internal instruction table of instructions. (Ansari, column 2, lines 10-17). Applicants fail to see the relevance of Ansari's method for adding new instructions to an industrial controller compiler to Tuatini's application framework for client server communication.

The Examiner's cited references in Ansari (column 3, lines 44-47, and column 9, lines 34-38) refer to decompiling an industrial controller program into editable source. Applicant can find no reference in Ansari referring to generating an computer programming language object from a data representation language representation of the object, as the Examiner contends. The Examiner seems to be relying upon Ansari merely because Ansari teaches a "decompiler." The Examiner even states this directly, "Tuatini... does not disclose the translation (of XML into JAVA object) as a *decompilation* process ... [h]owever, Ansari explicitly discloses a method of compiling and decompiling." (emphasis added).

Applicants assert that Ansari's decompiler, which generates industrial controller source code from a program, does not teach generating an object from a data representation language representation of the object. The Examiner even supports this assertion by stating, "the combination [of Tuatini and Ansari] provides a means for the Tuatini invention to extract the object information so that it can be processed *as taught [by] Ansari*" (emphasis added). Applicants submit that the Examiner has failed to show how the combination of Tuatini and Ansari includes a virtual machine receiving a data representation language representation of a computer programming language object or that teaches or suggests a process of the virtual machine generating the object from the data representation language representation of the object.

Nowhere does Tuatini or Ansari, separately or in combination, teach or suggest a virtual machine receiving a data representation language representation of a an object or

that teaches or suggests a process of the virtual machine generating the object from the data representation language representation of the object.

Applicants note that the Examiner has not provided any rebuttal of the above arguments.

Thus, in light of the above remarks, applicants assert that the rejection of claim 12 is not supported by the evidence of record and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 12 apply to claim 78.

Regarding claim 20, Tuatini in view of Ansari fails to teach or suggest wherein the data representation language representation of the first object comprises an identifier of the class of the first object, contrary to the Examiner's assertion. The Examiner cites paragraph 79 of Tuatini and column 3, lines 44-47 and column 9, lines 34-38 of Ansari. However, as noted above, Tuatini teaches generating JAVA objects to manipulate translated versions of XML service request messages. Tuatini's request messages are not data representation language representations of objects and do not include an identifier of the class of an object. Specifically, Tuatini's system includes initializing the serialization service, which is responsible for generating JAVA objects for XML data, with XML to Java mappings (Tuatini, paragraph 0081-0082). Clearly, if Tuatini's XML request messages included identifiers of a JAVA class, there would be no need to load and use such XML to Java mappings.

Furthermore, since Ansari, as noted above, is silent regarding data representation language representations of objects, Ansari does not overcome any of Tuatini's deficiencies regarding a data representation language representation of an object including an identifier of the class of the object. Thus, the combination of Tuatini and Ansari clearly fails to teach or suggest wherein the data representation language representation of the first object comprises an identifier of the class of the first object, as erroneously asserted by the Examiner.

Applicants note that the Examiner has not provided any rebuttal of the above arguments. The rejection of claim 20 is not supported by the evidence of record and removal thereof is respectfully requested.

The Examiner rejected claims 8, 45 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Tuatini in view of Daly et al. (U.S. Patent 5,748,896) (hereinafter "Daly"), claims 13 and 14 as being unpatentable over Tuatini in view of Ansari and in further of Mitchell, claims 15-19, 56, 79 and 80 as being unpatentable over Tuatini in view of Ansari and in further view of Humpleman, and claim 21 as being unpatentable over Tuatini in view of Ansari and in further view of Daly. Applicants respectfully traverse these rejections for at least the reasons presented above regarding their respective independent claims.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection of the independent claims has been shown to be unsupported by the evidence of record, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments at a later date if necessary.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-72000/RCK.

Also enclosed herewith are the following items:

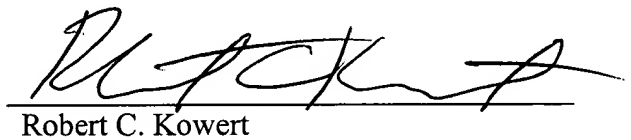
☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,



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Date: September 23, 2005